

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALEJANDRA SOLANO,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT et al.,

Defendants.

2:15-cv-01690-JCM-NJK

ORDER

I. DISCUSSION

On September 3, 2015, Plaintiff Alejandra Solano, counseled, initiated this lawsuit by filing a prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1 at 2, 4). On September 18, 2015, Plaintiff filed a first amended complaint. (ECF No. 4). Plaintiff is the guardian *ad litem* for G.S., A.S., and L.S. (*Id.* at 1-2). Plaintiff served Defendants. (See ECF No. 3, 6, 7). On October 21, 2015, Defendants filed a motion to dismiss the amended complaint. (ECF No. 8).

The Court ordinarily screens a prisoner's complaint prior to service. See 28 U.S.C. § 1915A(a). Both 28 U.S.C. § 1915A(a) and the Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e, mandate early judicial screening of prisoner complaints. *Jones v. Bock*, 549 U.S. 199, 213-14 (2007) (district courts must screen a prisoner's complaint "before any responsive pleading is filed"). When defendants file an answer or responsive pleading, such as a motion to dismiss, the need for screening is obviated. See, e.g., *Nordstrom v. Ryan*, 762 F.3d 903, 907 n.1 (9th Cir. 2014) (noting that the "purpose of § 1915A is to ensure that the targets of frivolous or malicious suits need not bear the expense of responding"); *O'Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008) (explaining that the PLRA's screening provision was intended "to conserve judicial resources by authorizing district courts to dismiss

1 nonmeritorious prisoner complaints at an early stage”).

2 In this case, a screening order is not necessary. Defendants have responded to
3 Plaintiff’s amended complaint by filing a motion to dismiss (ECF No. 8). This case shall
4 proceed on the normal litigation track guided by the Federal Rules of Civil Procedure.

5 **II. CONCLUSION**

6 For the foregoing reasons, IT IS ORDERED that the Court will not issue a screening
7 order in this case.

8 IT IS FURTHER ORDERED that this case shall proceed on the normal litigation track
9 guided by the Federal Rules of Civil Procedure.

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11 DATED: This 19th day of November, 2015.

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16 NANCY J. KOPPE
17 United States Magistrate Judge
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